

CHAPTER V. EMPLOYMENT VERIFICATION OUTCOMES FROM THE BASIC PILOT PROGRAM

A. INTRODUCTION

The first step in a program evaluation is usually to determine whether the program has been implemented as intended, since deviations from the protocol highlight areas where the program design could need modification to be effective. Scrutinizing program operations also helps to identify the extent to which the intended results may not have occurred because of implementation issues or program design. This chapter summarizes the results of the analysis on the verification cases and their outcomes.

The evaluation team developed the database used in this chapter from INS and SSA databases that capture all verification queries submitted to the system. Since these databases were designed to implement INS and SSA program goals rather than for analytic purposes, they are missing information that would have been valuable from the perspective of the evaluation team. Consequently, the analysis of the transaction database required complex file manipulation and tabulations that are not described in this report. Instead, this chapter highlights the findings and discusses the implications of the results for the performance of the Basic Pilot program.

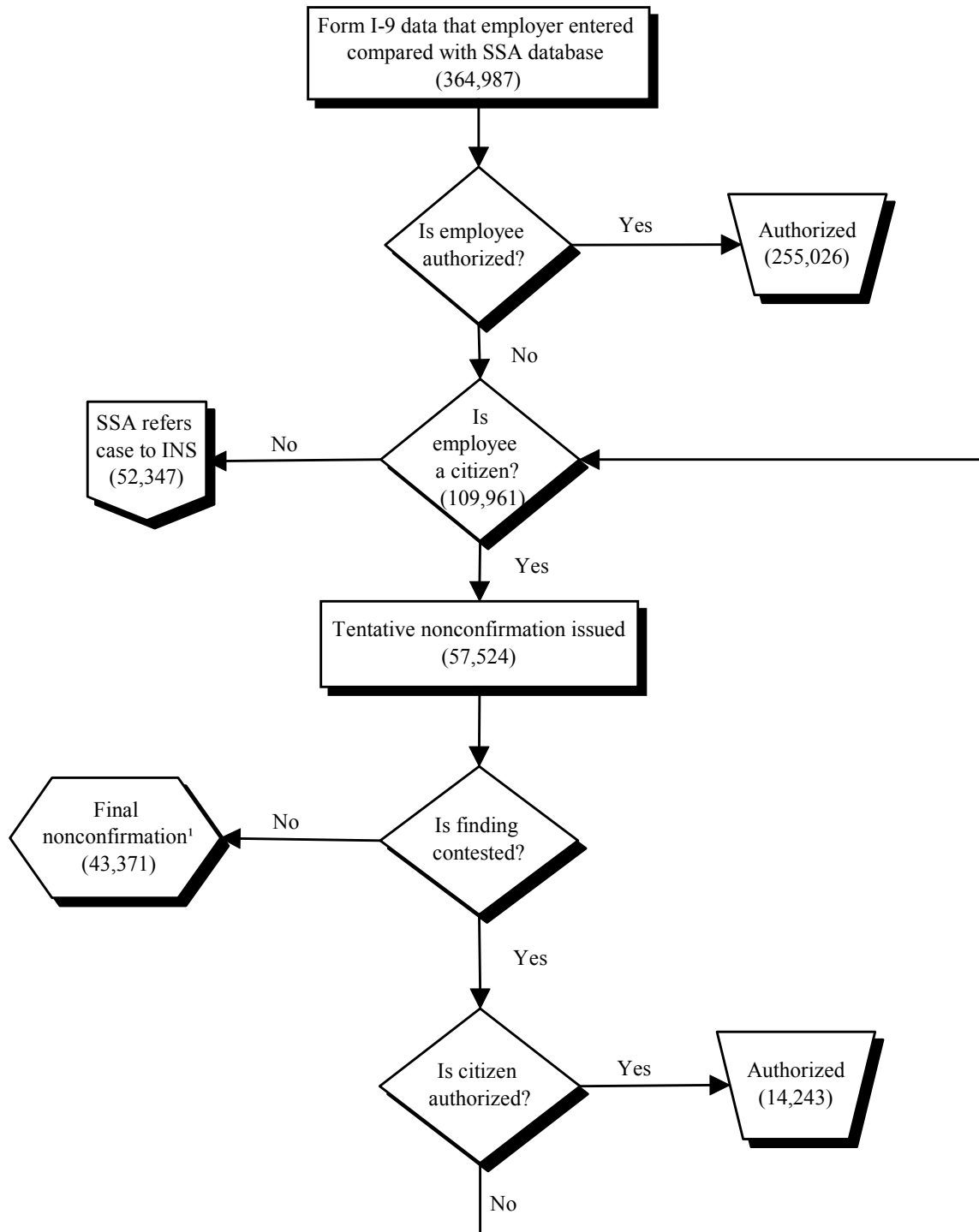
B. HIGHLIGHTS OF OUTCOMES FROM THE BASIC PILOT SYSTEM

This report presents the results of transactions from the inception of the Basic Pilot program in November 1997 through December 31, 1999. During this period, employers made 364,987 verification attempts.⁶³ The outcomes of these verification attempts, displayed in Exhibits V-1A and B, are as follows:

- The final disposition for 87 percent of the verification attempts was a confirmation by either SSA or INS that the individual was authorized to work.
- Of all employees verified through the system, fewer than 0.1 percent (159 persons) were found by INS to be unauthorized to work in the United States.

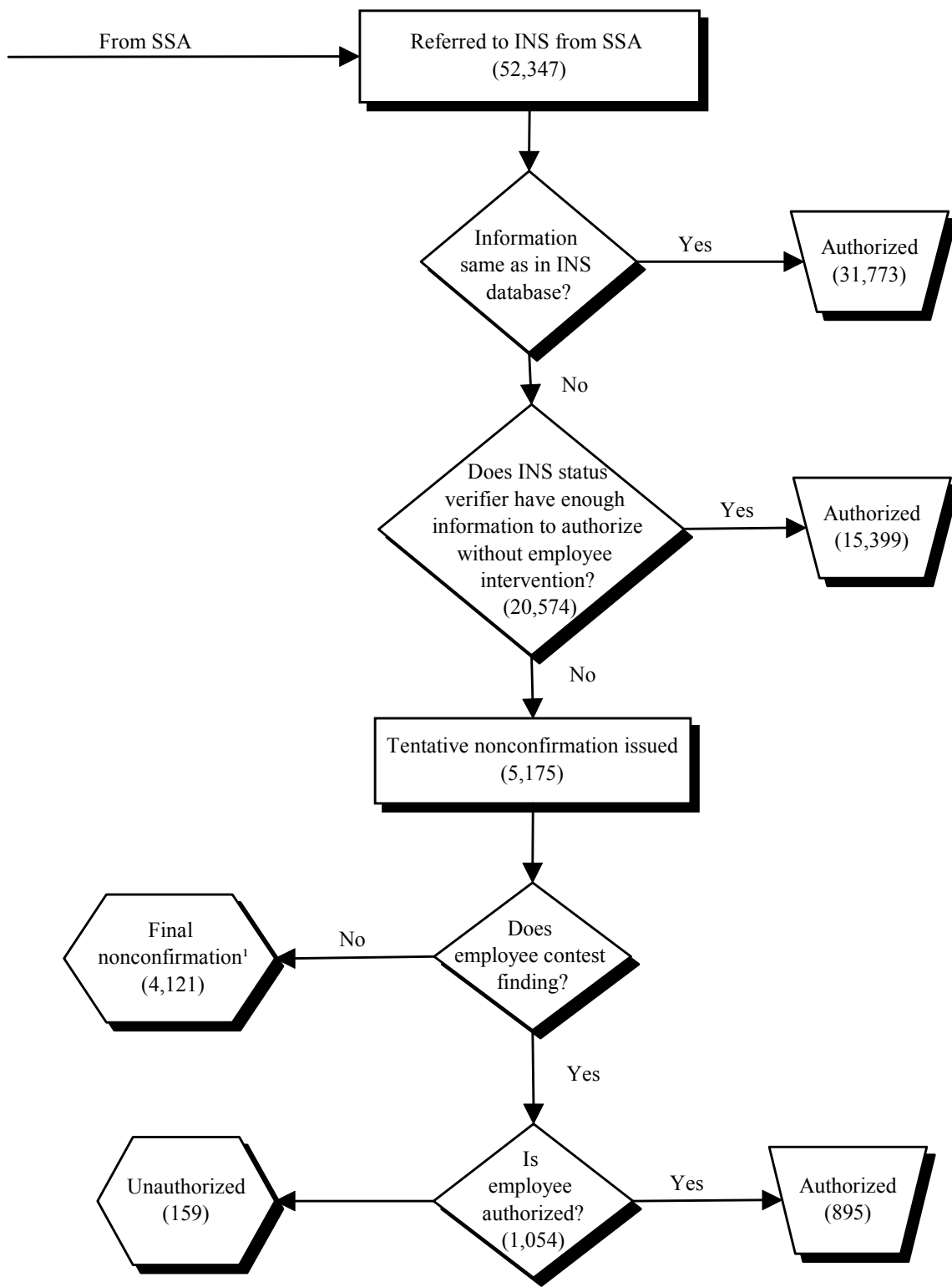
⁶³ The database for this period includes 491,640 query records. A **query** occurs every time an employer initiates an inquiry against the SSA or INS database. An employer may query the system more than once for an employee. Multiple queries for an employee result for a variety of reasons: new information is entered for the same employee after a tentative nonconfirmation is issued; identical information is entered a second time by mistake; identical queries are generated by system errors (e.g., because of a broken network connection); employers reverify temporary or expired work documents; employees who quit a job are rehired at a later time; and cases of identity fraud occur in which a given identity and documents are used by multiple persons. For the purposes of this report, the unit of analysis is the **transaction**, which consolidates multiple queries for a specific Social Security number by a Basic Pilot employer. There were 364,987 transaction records.

Exhibit V-1A: SSA Basic Pilot Program Verification Results



¹ These cases were never resolved.

Exhibit V-1B: INS Basic Pilot Program Verification Results (November 1997-December 1999)



¹ These cases were never resolved.

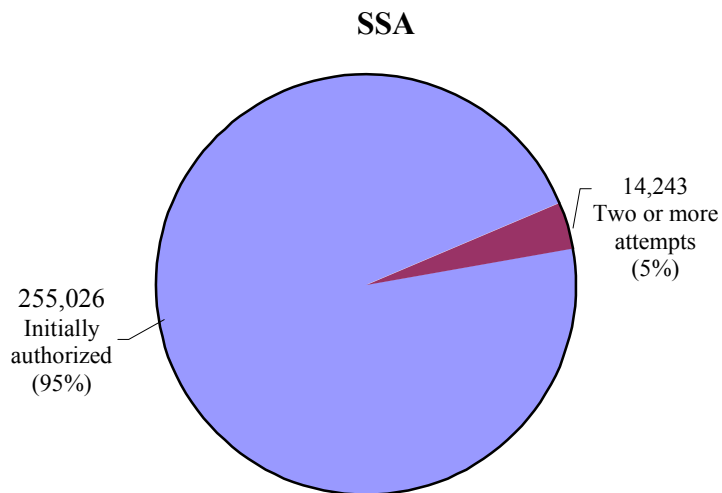
- For approximately 13 percent of all employees for whom verification was conducted, work authorization was never resolved. The employee did not contest a tentative nonconfirmation response from SSA or INS in these cases. In some cases, they chose not to contest and, in other cases, they never learned there was a problem.

C. SSA AND INS CONFIRMATIONS OF AUTHORIZATION TO WORK

As illustrated in Exhibit V-2, for the 269,269 persons confirmed as work-authorized by SSA, 95 percent were confirmed at the first verification attempt and 5 percent were resolved after two or more attempts. To resolve the case, the Basic Pilot program required the employee to visit SSA to resolve the discrepancy between SSA records and the information input into the Basic Pilot system.

Of the 48,067 persons confirmed as work-authorized by INS, 66 percent were initially confirmed as work-authorized (Exhibit V-3). Thirty-two percent were confirmed as work-authorized after an intermediate record review by an Immigration Status Verifier (ISV) (labeled “2nd stage confirmation” on the INS chart). Two percent of the cases that INS found to be work-authorized (labeled “3rd stage confirmation” on the INS chart) required the employee to contact INS. Unlike SSA, INS permitted employees to contact them by telephone or fax.

Exhibit V-2: Cases SSA Found to Be Work-Authorized, by Stage at Which Authorization Was Received (November 1997-December 1999)



SOURCE: Basic Pilot Transaction Database

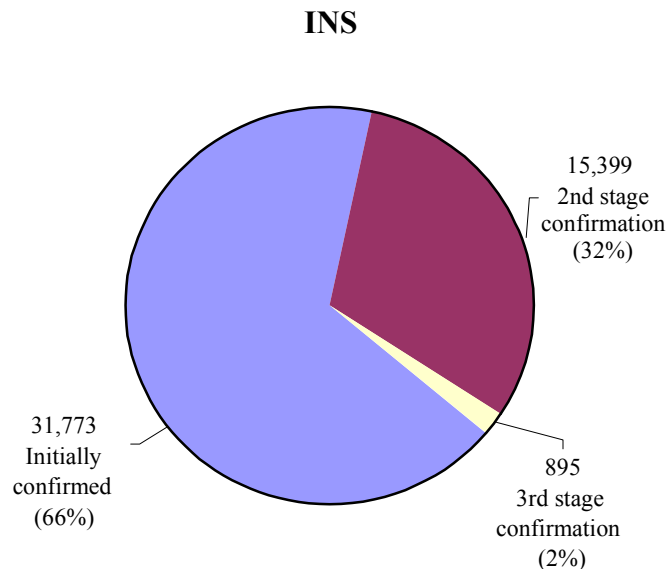
1. WORK AUTHORIZATION CONFIRMED AT FIRST VERIFICATION ATTEMPT

In total, 90 percent of employees determined to be work-authorized were confirmed as work-authorized through the automated match procedures of the Basic Pilot system. These cases required no further effort on the part of Federal staff, employees, or employers other than the requirement that employers close these cases.

2. WORK AUTHORIZATION CONFIRMED BY IMMIGRATION STATUS VERIFIER (ISV) REVIEW OF RECORDS

About a third (34 percent) of the 48,067 employees receiving work authorization from INS required review by an ISV, because the electronic comparison to the INS database did not automatically confirm the person as work-authorized (labeled either “2nd stage confirmation” or “3rd stage confirmation” in Exhibit V-3). Most of these employees were almost immediately confirmed as work-authorized after the ISV checked the employee information against other INS databases. According to the ISVs, a confirmation of work authorization is returned to the employer for most of these persons within 1 day of the initial request. The ISVs also said that the main reason that record review is necessary to confirm work authorization is the delay in data entry of employment authorization information into INS databases.⁶⁴

Exhibit V-3: Cases INS Found to Be Work-Authorized, by Stage at Which Authorization Was Received (November 1997-December 1999)



SOURCE: Basic Pilot Transaction Database

⁶⁴ INS officials report that this time lag has been reduced since the time of these interviews.

The most important requirement for upgrading the INS data system is to provide for more timely and reliable data entry. At present, INS issues employment authorization documents (EADs) through two processes. About half of the EADs are an older, less secure version that are processed at INS district offices; the remaining half are new, more secure cards with holograms, issued at INS service centers. For the older cards, made on small standalone machines, data are downloaded from each machine onto diskettes at the end of each day and mailed to INS Headquarters for entry into the INS Central Index System (CIS). Data from the EAD machines are not always completely saved onto diskettes, and diskettes are sometimes lost in the process or not completely uploaded. The data for the remaining half of the EADs are transmitted electronically to INS Headquarters for uploading into the CIS. Although this system is more reliable than using diskettes, some of these data may be lost in the electronic transfer. Although an increasing number of EADs are being processed through the latter system, major improvements are needed before INS has complete and valid EAD data.

INS also has problems getting timely and complete data on new green card holders (permanent residents) into its systems. Files for immigrants newly arrived from overseas are sent by the ports of entry to an INS service center for data entry into the CIS and to produce the green card. When newly arrived immigrants adjust status at INS offices, those offices must close out the case before sending it on to a service center for data entry. This process can vary from a few days in some offices to several months in others. Once the files for new and adjusting immigrants reached the service center for data entry, there was a lag of several weeks before data entry took place at the time of the evaluation. However, there are apparently some immigrant data that, although processed for data entry, do not properly upload into the CIS. Some data are delayed, therefore, and others are lost until the problem is discovered – usually when an immigrant does not receive a green card and complains – and the data are re-entered.

Findings from the employee interviews support ISV assertions regarding the impact of delays in INS processing of EADs. Specifically, 57 percent of employees whose cases required ISV review presented an EAD or lawful permanent resident card or passport stamp, while only 1 percent of those authorized during first-stage verification presented these documents. These results suggest a burden associated with the ISV's review time when a "tentative nonconfirmation" is issued by the system because EADs have not been entered into the automated system on a timely basis.

3. WORK AUTHORIZATION CONFIRMED AFTER TWO OR MORE ATTEMPTS

For approximately 4 percent of all verification transactions in the transaction database, the employee was determined to be work-authorized after contacting SSA or INS to resolve work-authorization problems (3.9 percent SSA and 0.3 percent INS). These cases are of considerable interest to this evaluation because of the potential for undue burden and lost time at work. However, this 4 percent may be an overstatement of actual problems because when employers incorrectly enter Form I-9 information and correct keying errors, the case may appear in the transaction database as requiring two or more verifications. These errors increase the difficulty in interpreting the results from the

transaction database, since employers may have corrected a keying error problem rather than informing the employee to contact SSA or INS.

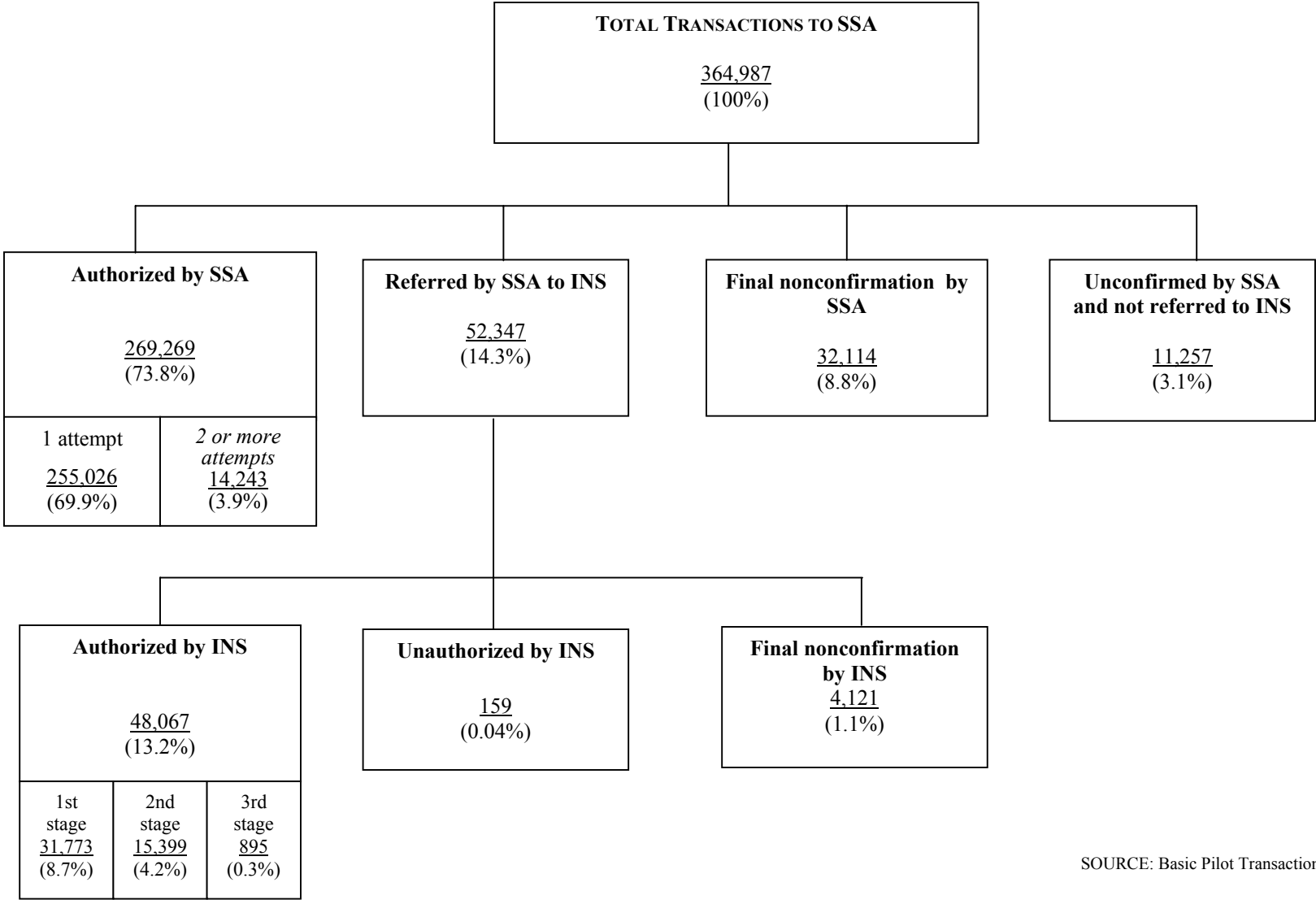
D. UNRESOLVED VERIFICATION OUTCOMES

Thirteen percent (47,492) of all verification attempts were never resolved (labeled “Final nonconfirmation by SSA,” “Unconfirmed by SSA and not referred to INS,” or “Final nonconfirmation by INS” in Exhibit V-4A). In all of these cases, SSA was unable to confirm the individual’s work authorization during its initial automated matching procedures. For a variety of reasons, the established Basic Pilot processes for resolving inconclusive findings were not followed to completion. As discussed in more detail in Chapters VI and XI, reasons for non-resolution include both cases in which the employer did not follow proper procedures and cases in which employees were informed of a problem but decided not to contest the finding. It is also possible that some cases that appear to be unresolved were actually not “real” cases. For example, a keying error that is not correctly closed as such by the employer might appear to be an unresolved tentative nonconfirmation case. The fact that approximately one in eight verification attempts were not resolved indicates that the Basic Pilot system does not include appropriately stringent consistency checks and that the information captured by the transaction database is not sufficient for quality control and evaluation purposes. However, a system cannot force an employer to enter accurate information and follow all program procedures.

The 3 percent of cases labeled “unconfirmed by SSA but not referred to INS” are especially difficult for the evaluation team to understand. All of these cases were entered into the original Basic Pilot system. Under this system, employers were asked to send information to INS about those cases needing INS verification. Like the cases determined to be final nonconfirmation cases, there are a large number of possible explanations for cases in this category. The employer may have decided to terminate the employee’s employment (or, in the case of an employer screening job applicants, not offer employment) because of the SSA finding. On the other hand, the employee may have terminated employment for reasons unrelated to work authorization, or the employee may have terminated employment after being informed of the SSA finding. This situation should/does not occur in the improved Basic Pilot Integrated system because the system automatically transmits cases to INS if INS action is required. The approximately 10 percent of all cases classified in Exhibit V-1 as “final nonconfirmation”⁶⁵ by either SSA or INS are detailed in Exhibits V-4B and V-5 and discussed below.

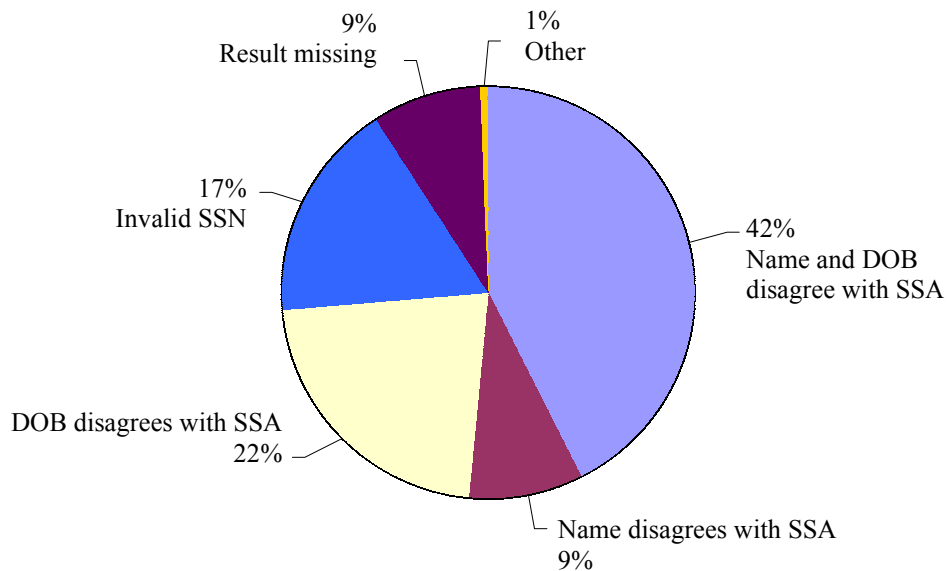
⁶⁵ In the terminology of the Basic Pilot program, a final nonconfirmation on the transaction database indicates that the employee’s work authorization was not established because the employee or the employer did not take the necessary action to resolve a tentative nonconfirmation.

Exhibit V-4A: Employment Verification Results for the Basic Pilot Program (November 1997-December 1999)



SOURCE: Basic Pilot Transaction Database

Exhibit V-4B: Verification Results for SSA Final Nonconfirmation Cases¹



¹ Total SSA final nonconfirmation cases: 32,114.

SOURCE: Basic Pilot Transaction Database

1. SSA FINAL NONCONFIRMATION

SSA queries with a final nonconfirmation outcome represent approximately 9 percent of all transactions. In the original Basic Pilot system, if a query was not immediately confirmed as “employment authorized,” the SSA portion of the system captured the reason for the tentative nonconfirmation but did not provide the employer with specific results of the data comparison. Furthermore, the original Basic Pilot system did not obtain closure codes from employers that would have given the reason why the tentative nonconfirmation result was unresolved. Although the Basic Pilot Integrated system requests that employers close SSA transactions, many employers do not comply because there are no penalties for not entering the closure code.

Exhibit V-4B displays the outcome of the last query the employer submitted to SSA for the 32,114 cases that SSA found to be final nonconfirmation cases. Noteworthy results are described below:

- Nearly one-fifth of these cases (17 percent) had an invalid Social Security number (SSN) when compared to SSA data. In some cases, this result represents employer error in entering the Social Security number from the I-9 form. In other cases, the employee made a mistake in completing the Form I-9 or had illegible handwriting. Also included in this group are employees with fraudulent Social Security numbers. If the system had required employer identification of data entry errors, these results could have been more easily distinguished.

- Nearly one-third (31 percent) of final nonconfirmations occurred because either the date of birth (DOB) or the name disagreed with the SSA database (22 percent and 9 percent, respectively). These cases may represent one of three possibilities: employer errors entering the information from the I-9 form, cases where the employee did not choose to resolve the tentative nonconfirmation result and an actual discrepancy existed, or use of fraudulent documentation.
- The 42 percent of nonconfirmations in which both name and date of birth were found to be inconsistent with SSA records are more likely to indicate fraudulent documentation than are cases where only the name or the date of birth was inconsistent, but could still result from data entry errors.

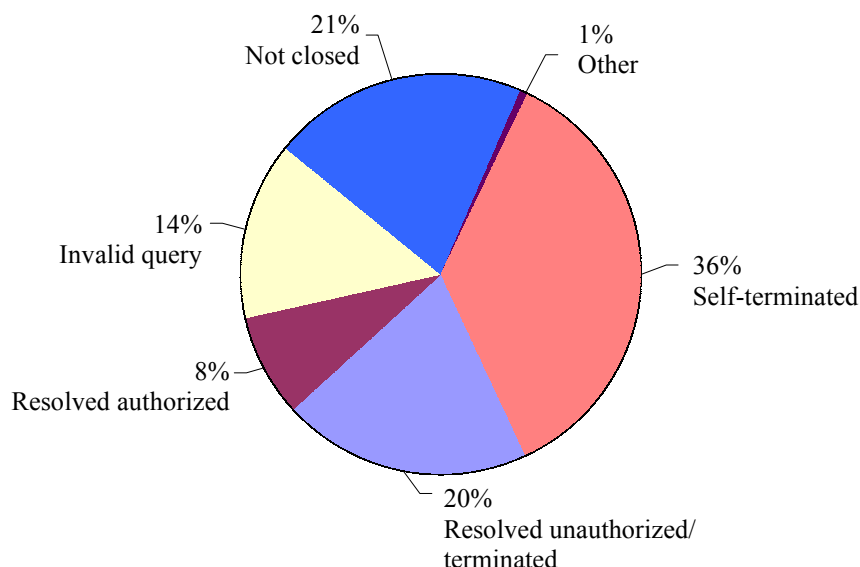
In summary, the evaluation team was unable to determine from the information in the transaction database whether these unresolved SSA cases represent employer data entry errors, discrepancies between employee data on the I-9 form and data on the Federal databases, or use of fraudulent documentation. Chapter XI discusses this issue in more depth and provides an estimate of the work-authorization status of employees in the unresolved categories.

2. INS FINAL NONCONFIRMATION CASES

Exhibit V-5 displays the employer closure codes for cases submitted to INS when the employer or employee did not resolve a tentative nonconfirmation response from the INS system. These 4,121 cases represent 1 percent of all transactions. Noteworthy results are described below:

- Cases closed as “self-terminated” (36 percent of this group) suggest that the employee quit during the resolution of work authorization.
- Cases closed as “resolved unauthorized/terminated” (20 percent of this group) indicate that, in accordance with Basic Pilot requirements, employers terminated the employment of these workers because they did not resolve their tentative nonconfirmation status and received a final nonconfirmation response from the system.
- Although the INS portion of the system requests that employers close all queries after receiving a final outcome, employers do not always comply. Twenty-one percent of the INS cases with a final nonconfirmation outcome are missing the closure code.

Exhibit V-5: Employer Closure Codes for INS Final Nonconfirmation Cases¹



¹ Total INS final nonconfirmation cases: 4,121.

SOURCE: Basic Pilot Transaction Database

E. SUMMARY

The analysis of the Basic Pilot transaction database provides valuable insights into the ability of the program to correctly identify persons authorized to work in the United States. The analyses suggest the following results:

- The Basic Pilot system confirmed the overwhelming majority (87 percent) of cases as work-authorized and identified 0.04 percent as unauthorized.
- INS is involved in approximately 14 percent of all verifications, and about one-third of these cases require verification by ISVs.
- Delays in updating the INS databases for persons issued EADs and new lawful permanent residents seem to account for most of the cases requiring ISV intervention. According to the employee interview results, 57 percent of employees whose cases required ISV record review (n=246) presented EADs or lawful permanent resident cards, while only 1 percent of those authorized at the first stage through the verification system presented these documents.
- Work-authorization status for approximately one in eight cases was never resolved.

Because of the nontrivial proportion of unresolved cases in the transaction database, the evaluation team recommends that a sample-based monitoring system be established. The general approach would be to gather extensive information on a small sample of persons entered into the system to determine whether the verification process was carried out properly and whether a correct verification decision was made.

